

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IAN TUCKER

vs.

**CREDIT PROTECTION ASSOCIATION,
L.P. aka Credit Protection Association
I, Inc., ANNE E. LEVINE, NATHAN A.
LEVINE and DOUGLAS K. BRIDGES**

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NO: WA:11-CV-00062-WSS

SCHEDULING ORDER

The disposition of this case will be controlled by the following schedule of deadlines. The parties shall also comply with any deadlines required by Rule 26 of the Federal Rules of Civil Procedure and Rule CV-16 of the Local Rules of the Western District of Texas, except the parties are excused from submitting a proposed scheduling order. This Order does not supplant the requirements of Local Rule CV-16, nor any other Local Rule with which it conflicts.

1. **October 14, 2011** ALTERNATIVE DISPUTE RESOLUTION (ADR) designation will be submitted to the Court. All parties will complete and return one of the following by this date (original and one copy):
- a) an ADR docketing statement; **OR**
 - b) a joint motion for referral to ADR.

NOTE: The deadlines of this Scheduling Order will remain in effect if ADR is ordered or chosen.

2. **December 15, 2011** NEW PARTIES will be joined by this date. The party causing such joinder will provide copies of this scheduling order, along with any attachments, to the new parties.
3. **January 13, 2012** MOTIONS FOR LEAVE TO FILE AMENDED and/or SUPPLEMENTAL PLEADINGS will be filed by this date.
- PARTIES asserting claims for relief shall provide their designation of testifying experts to the other parties.

4. **February 15, 2012**

PARTIES resisting claims for relief shall provide their designation of testifying experts to the other parties. All designations of rebuttal experts shall be provided to the other parties within 15 days of receipt of the report of the opposing expert.

DISPOSITIVE MOTIONS, as defined in Local Rule CV-7(h), must be filed by this date.

NOTE: The Court will not act upon any motion, either dispositive or non-dispositive, which fails to comply with Local Rule CV-7. Motions are limited to 10 pages in length unless otherwise authorized by the Court. Absent specific order of the Court, discovery is not to be held in abeyance pending ruling of the Court on any motion.

DISCOVERY should be completed by this date. Counsel may, by agreement, continue discovery beyond this date, but there will be no intervention by the Court, such as Rule 37 proceedings, absent a showing of extreme prejudice. No trial setting will be vacated because of information acquired in post-deadline discovery.

5. **April 13, 2012**

Pursuant to Federal Rule of Evidence 702, an objection to the reliability of an expert's proposed testimony shall be made within 30 days of receipt of the written report of the expert's proposed testimony, or within 30 days of the expert's deposition, whichever is later, but must be filed no later than this date. Such a motion must specifically state the basis for the objection and identify the objectionable testimony.

6. **May 04, 2012**

The items required by Local Rule CV-16(e) must be filed by this date.

NOTE: The list of proposed witnesses shall include a brief, but specific, statement of the testimony to be offered by the witness.

7. **May 09, 2012**

Pursuant to Local Rule CV-16(e), the parties should submit objections to specified deposition testimony, and objections to the admissibility of any exhibits. The

objection should be detailed and specific. Objections not disclosed by this date, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the Court for good cause shown.

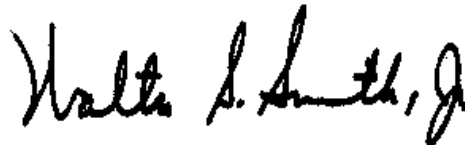
8. May 14, 2012

JURY SELECTION AND TRIAL will begin at 9:00 A.M. on this date in District Courtroom #1, United States Courthouse, 800 Franklin Avenue, Waco, Texas. Counsel MUST be prepared for trial by this date and thereafter will be subject to call by the Clerk on short notice.

EXHIBITS TO BE USED AT TRIAL SHOULD BE BOUND IN THREE-RING BINDERS (one copy for Judge Smith, original exhibits for Court Clerk). ALL EXHIBITS MUST BE MARKED PRIOR TO TRIAL.

NOTICE: FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS PURSUANT TO FED.R.CIV.P. 16(f).

SIGNED this 17th day of August, 2011.

A handwritten signature in black ink, appearing to read "Walter S. Smith, Jr.", written in a cursive style.

WALTER S. SMITH JR
UNITED STATES DISTRICT JUDGE